

**Summary of the “Small Business Compliance  
Assistance Enhancement Act of 2005” (S. 769)**  
*(Updated July 19, 2005)*

The Small Business Compliance Assistance Enhancement Act of 2005 will **facilitate the compliance of small businesses with federal regulations** that directly impact their productivity. Section 212 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) requires that agencies produce small entity compliance guides when the agency is required to prepare a final regulatory flexibility analysis under the Regulatory Flexibility Act. However, the Government Accountability Office (GAO) has reported that several loopholes exist in Section 212, allowing agencies to either poorly fulfill their duties under Section 212, or ignore them altogether.

The Small Business Compliance Assistance Enhancement Act will:

- **Clarify the SBREFA requirement that agencies produce small entity compliance guides.**
- Ensure that these compliance guides provide adequate and useful compliance assistance materials to help small businesses meet the compliance obligations imposed by regulations.
- **Require that agencies “designate” the publications prepared under the section as “small entity compliance guides.”**
- Clarify that compliance guides should be published simultaneously with, or as soon as possible after, the final rule is published, or no later than the rule’s effective date.
- **Clarify the phrase “compliance requirements,”** so that small businesses know how to satisfy the requirements and how they will know that they have met these requirements.
- **Require that agencies annually report to Congress** about their compliance with the Act’s requirements.